

1 The Honorable Marsha J. Pechman
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The Honorable Marsha J. Pechman
Trial Date: October 27, 2014

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

DEBI HUMANN,

Plaintiff,

vs.

CITY OF EDMONDS, a municipal corporation; and MICHAEL COOPER, in his individual and official capacities,

Defendants.

CASE NO.: 2:13-cv-00101-MJP

PROPOSED PRETRIAL ORDER

I. JURISDICTION

The Court has jurisdiction over Ms. Humann's federal claims under 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a). The Court has supplemental jurisdiction over Ms. Humann's state law claims under 28 U.S.C. § 1337(a).

II. CLAIMS AND DEFENSES

Ms. Humann claims that the City of Edmonds wrongfully terminated her in violation of Washington public policy when Mayor Cooper terminated her in September 2011 and when Mayor Earling laid her off in December 2011. She is pursuing First Amendment retaliation claims against the City based on the City Council's decision to eliminate funding for the Human Resources Director position in November 2011 and for Mayor Earling's decision to lay her off in December 2011. Ms. Humann also claims that defendant Michael

1 Cooper and the City of Edmonds deprived her liberty interest without Fourteenth
2 Amendment due process and defamed her. Defendants deny all claims.

3 **III. ADMITTED FACTS**

4 The following facts are admitted by the parties:

5 1. Plaintiff Debi Humann worked at the City of Edmonds for 12 years. She
6 spent 11 of those years working in the Human Resources Department.

7 2. Ms. Humann was promoted to Human Resources Manager in 2004 by former
8 Mayor Gary Haakenson. Ms. Humann was promoted to Human Resources Director in July
9 2008 by former Mayor Haakenson.

10 3. The Human Resources Director at the City of Edmonds is an at-will position.

11 4. Human Resources Analyst Mary Ann Hardie reported to Ms. Humann. Ms.
12 Hardie and Ms. Humann were the only two employees in the Human Resource Department
13 during the times at issue in this case.

14 5. In July 2010, the Edmonds City Council appointed Defendant Micheal Cooper
15 to complete the term of the prior mayor, Gary Haakenson.

16 6. In August 2010, Mayor Cooper hired Kimberly Cole as his Executive
17 Assistant.

18 7. Mayor Cooper was Ms. Cole's direct supervisor. He approved her exception
19 time sheet reports.

20 8. The Mayor's Executive Assistant is an "exempt" position which is paid by
21 salary, not by an hourly wage.

22 9. When Ms. Humann informed Mayor Cooper in September 2011 that the State
23 Auditor's office had requested records relating to Cole's attendance and exception time
24 sheets, Cooper instructed her to cooperate with the Auditor's office.

25 10. On September 22, 2011, Mayor Cooper discharged Ms. Humann from
26 employment.

11. Mayor Cooper announced his decision to terminate Ms. Humann in a
2 statement that was sent to the City Council, all City Directors, and local press. Mayor
3 Cooper stated:

4 I am sending this email to inform you that Debi Humann is
5 [no] longer employed by the City. This is not a decision that
6 came lightly but a change was needed. The city's ability to
7 function relies on a relationship between the Mayor and staff
8 that is based on the highest level of trust and confidentiality.
9 That level of trust has deteriorated to a place where I no
10 longer had confidence in her ability to do the job and to work
11 effectively with me. In order to have the public trust the city
12 needs a committed staff that maintains that highest level of
13 trust with the mayor and council.

12. On September 22, 2011, Mayor Cooper appointed Parks Recreation and
13 Community Services Director Carrie Hite to take on additional duties as of Interim Human
14 Resources Director.

13. Following Ms. Humann's termination, Mayor Cooper appointed Human
14 Resource Analyst Mary Ann Hardie to Acting Human Resources Manager:

14. On October 12, 2011, Ms. Humann filed a complaint with the City challenging
15 her termination pursuant to City of Edmonds Personnel Policy 10.3 and the Local
16 Government Employee Whistleblower Protection Act, RCW 42.41.050. Ms. Humann's
17 complaint sought reinstatement to her position as Human Resources Director, full back pay
18 and benefits, and attorney's fees and costs

15. On October 13, Ms. Humann's attorney, Cliff Freed, issued a press release
16 regarding the complaint. In addition, Ms. Humann made statements to the press in which
17 she asserted that she was fired for whistleblowing activity.

16. David Earling defeated Mayor Cooper in the November 6 election.

17. As Mayor, Cooper and his administrative staff created and proposed a budget
18 for 2012. Cooper's proposed 2012 budget contained no proposal to eliminate the Human
19 Resources Director position, nor to eliminate funding for this position.

20. November 22, 2011, was Mayor Cooper's last City Council meeting in office.

19. On November 22, 2011 the City Council voted to amend the proposed 2012 budget by eliminating funding for the vacant Human Resources Director position, effective January 1, 2012. The Council passed Ordinance No. 3861 adopting the 2012 budget with the amendment.

20. Mayor Earling was sworn into office on November 29, 2011.

21. On December 13, 2011, Mayor Earling announced he had decided to reinstate Ms. Humann to her position as Human Resources Director and lay her off on December 31, 2011.

22. Mayor Earling reinstated Ms. Humann as Human Resources Director for two weeks from December 15 to December 31.

On December 31, 2011, the City of Edmonds laid off Ms. Humann. IV. THE CITY
OF EDMONDS' AFFIRMATIVE DEFENSES

1. Failure to Mitigate Damages: Plaintiff failed to mitigate damages by declining job offers made to her.

2. Legislative Immunity/Deliberative Process privilege: The City cannot be liable for legislative decisions made by the City Council, nor can local legislators be questioned about their individual motives for voting on proposed legislation.

3. Absolute/Qualified Privilege (defamation): Statements made by Mayor Cooper in his official capacity regarding City matters are privileged and therefore not actionable in defamation.

4. Collateral Estoppel: Plaintiff should be estopped from seeking backpay that she has already recovered for the period of September – December of 2011.

5. Accord & Satisfaction: The City has previously satisfied Plaintiff's claim for backpay for September – December of 2011.

V. DEFENDANT COOPER'S AFFIRMATIVE DEFENSES

1. Defendant Cooper is entitled to qualified and absolute immunity.

2. Defendant Cooper's statements relating to Plaintiff were true, opinion, not

1 provably false, fair comment, protected speech, privileged and not defamatory.

2 3. Plaintiff's claim for back pay and other damages which resulted from
3 Defendant Cooper's decision to discharge her from employment are barred by the doctrines
4 of res judicata, collateral estoppel, issue preclusion and/or claim preclusion.

5 4. There has been an accord and satisfaction as to Plaintiff's claim for back pay
6 and other damages which resulted from Defendant Cooper's decision to discharge her from
7 employment.

8 5. Plaintiff has failed to mitigate damages.

9 6. In the event there is a judgment entered against Defendant Cooper, he is
10 entitled to an offset for advance payments made by or on behalf of the defendants, including
11 the sums paid as a result of the settlement of Plaintiff's administrative claim for back pay
12 and other damages.

13 VI. STIPULATED ISSUES OF LAW

14 1. As Mayor, Defendant Cooper had final policy making authority from the City
15 of Edmonds regarding issues of employment.

16 2. Defendant Cooper was acting as the final policy maker for the City of Edmonds
17 when he terminated Ms. Humann and when he made a public statement about her
18 termination.

19 3. Defendant Cooper was acting within the scope of his authority as Mayor of
20 the City of Edmonds when he made a public statement about Ms. Humann's termination.

21 4. Mayor Earling had final policy making authority from the City of Edmonds
22 regarding issues of employment.

23 5. Mayor Earling was acting as the final policy maker for the City of Edmonds
24 when he decided to reinstate and layoff Ms. Humann.

25 6. Mayor Earling was acting within the scope of his authority as Mayor of the
26 City of Edmonds when he decided to reinstate and layoff Ms. Humann.

7. Ms. Humann accepted an offer of judgment from the City of Edmonds regarding her claim for back pay and benefits from the date of her September 22, 2011 termination until her December 15, 2011 reinstatement. Humann received \$33,000.00 for her back pay and benefits, plus \$5,500.00 in pre-judgment interest, \$48,533.80 in attorneys' fees, and \$3,223.40 in costs.

VII. PLAINTIFF'S ISSUES OF LAW

The following are the issues of law remaining to be determined by the Court:

1. At the close of evidence Ms. Humann intends to move under Rule 50 for a ruling that, even if accepted as true, the City's asserted reasons for terminating and laying off Ms. Humann cannot, as a matter of law, be an overriding justification that outweighs Washington public policy.

2. Whether Ms. Humann should be permitted to call an adverse witness, use leading questions, and limit the testimony of that witness to the scope of Plaintiff's direct examination.

Plaintiff reserves the right to supplement this section if significant legal issues remain that should be addressed by the Court.

VIII. DEFENDANT CITY OF EDMONDS' ISSUES OF LAW

Defendant City of Edmonds agrees many of the issues of law that would arise at trial will likely be addressed in the court's ruling on the motions for summary judgment and in relation to proposed jury instructions. In addition, the court may need to decide:

I. Whether Plaintiff is estopped from pursuing back pay for the period September – December of 2011, given her acceptance of a prior offer of judgment that compensated her for that period. This issue/evidence should not go to the jury, but should be decided by the court.

2. Whether Plaintiff should be barred from seeking front pay beyond December 31, 2011 in light of the fact that the position of Human Resources Director was not included in the 2012 budget legislatively adopted by the Edmonds City Council.

1 3. Whether Plaintiff should be barred from seeking reinstatement in light of the
2 fact that the position of Human Resources Director was not included in the 2012 budget
3 legislatively adopted by the Edmonds City Council and she is afforded an adequate remedy at
4 law.

5 Defendant reserves the right to supplement this section if significant legal issues
6 remain that should be addressed by the court.

7 **IX. DEFENDANT COOPER'S ISSUES OF LAW**

8 1. Whether Defendant Cooper is entitled to absolute and/or qualified immunity.
9 2. Whether Defendant Cooper's statements relating to Plaintiff were opinion, not
10 provable false, fair comment, protected speech, privileged and/or not defamatory.
11 3. Whether Plaintiff's claim for back pay and other damages which resulted from
12 Defendant Cooper's decision to discharge her from employment are barred by the doctrines
13 of res judicata, collateral estoppel, issue preclusion and/or claim preclusion.
14

15 4. Whether there has been an accord and satisfaction as to Plaintiff's claim for
16 back pay and other damages which resulted from Defendant Cooper's decision to discharge
17 her from employment.

18 5. Whether, in the event there is a judgment entered against Defendant Cooper,
19 he is entitled to an offset for advance payments made by or on behalf of the defendants,
20 including the sums paid as a result of the settlement of Plaintiff's administrative claim for
21 back pay and other damages.

22 6. Whether Plaintiff should be barred from calling Nancy Bartley as a witness
23 because plaintiff never disclosed this person as a possible witness in initial disclosures,
24 during discovery or in her pretrial statement.

25 **X. EXPERT WITNESSES**

26 The names and addresses of the expert witnesses to be used by each party at trial and
27 the issue upon which each will testify is:
28

1 A. On behalf of plaintiff:

2 1. Robert T. Patton, Ph.D. *Will Testify*
3 1100 Chuckanut Crest Lane
4 Bellingham, WA 98229

5 Dr. Patton will testify regarding Ms. Humann's economic damages.

6 2. James C. Webber *Will Testify*
7 Jim Webber Training-Consulting-Investigations
8 218 Main Street, PMB 304
9 Kirkland, WA 98033
10 (206) 601-9249

11 Mr. Webber will be called to testify about his investigation into Ms. Cole's
12 allegations of hostile work environment, his communications with City employees, officials,
13 and attorneys, and his investigation findings and report.

14 B. On behalf of defendant City of Edmonds:

15 1. Claire Cordon *May Testify*
16 200 1st Avenue W., Suite 402
17 Seattle, WA 98119-4923

18 The City of Edmonds may call Ms. Cordon to testify regarding Human Resources
19 practices and management, reasonable expectations of a Human Resources Director, Ms.
20 Humann's qualifications and performance in the role of Human Resources Director, and
21 Mayor Cooper's expectations and evaluation of Plaintiff's performance in the position.

22 XI. OTHER WITNESSES

23 The names and addresses of witnesses, other than experts, to be used by each party at
24 the time of trial and the general nature of the testimony of each are:

25 A. On behalf of plaintiff:

26 1. Nancy Bartley *May Testify*
27 Seattle Times
1000 Denny Way,
Seattle, WA 98109
(206) 464-2111

28 Ms. Bartley is a journalist who may testify about statements made to the media by
29 City officials and employees.

2. Debi Humann
c/o Frank Freed Subit & Thomas
705 Second Avenue, Suite 1200
Seattle, WA 98104-1798
(206) 682-6711

Will Testify

Ms. Humann will testify about her employment at the City of Edmonds, the City's Human Resources Department, Ms. Cole's attendance, her termination, the elimination of funding for the Human Resources Director, her reinstatement and layoff, the media coverage and public attention surrounding these events, and the damages she suffered as a result of defendants' conduct. She may also be called to testify about Ms. Cole's reputation for honesty.

3. Sharon Cates
Lighthouse Law Group
1100 Dexter Avenue N., Suite 100
Seattle, WA 98109-3598
(206) 273-7440

Possible Witness Only

Ms. Cates may be called to testify about Plaintiff's job performance, the decision to terminate Plaintiff's employment on September 22, 2011, the September 2011 settlement negotiations between Mayor Cooper and Kimberly Cole, and/or Ms. Cates' knowledge of employment law.

4. Sandy Chase
531 Homeland Drive
Edmonds, WA 98020

Possible Witness Only

Ms. Chase may be called to authenticate City records, to testify regarding certain requests for public records, and Plaintiff's job performance.

5. Stephen Clifton
18225 - 85th Place West
Edmonds, WA 98026

Will Testify

Mr. Clifton will be called to testify about his knowledge regarding Ms. Cole's attendance. He also will be called to testify about Ms. Humann's job performance and her role in attempting to prevent misconduct as it relates to Ms. Cole's attendance and pay. He

1 may be called to testify about the reputation of certain members of the City Council and the
2 former mayor, and about Ms. Cole's reputation for truthfulness.

3 6. Kimberly Cole
4 820 Fourth Avenue
5 Neptune City, NJ 07753
6 (732) 361-5920

Possible Witness Only

7 Ms. Cole may be called to testify regarding her working and personal relationship
8 with Mr. Cooper, her experience working in Snohomish County, her experience as member
9 of the Lynwood City Council, and her employment with the City of Edmonds. This
10 testimony will be through deposition transcript.

11 7. Al Compaan
12 c/o Jayne L. Freeman
13 Keating Bucklin & McCormack
14 800 Fifth Avenue, Suite 4141
15 Seattle, WA 98104-3175
16 (206) 623-8861

Will Testify

17 Mr. Compaan will be called to testify about Ms. Cole's attendance, Ms. Humann's
18 job performance, termination, the elimination of funding for the City's Human Resources
19 Director, and Ms. Humann's reinstatement and layoff. He may also be called to testify about
20 Ms. Cole's reputation for honesty.

21 8. Micheal Cooper
22 c/o John T. Kugler
23 Turner Kugler Law
24 4700 42nd Avenue SW, Suite 5940
25 Seattle, WA 98116
26 (206) 659-0679

Will Testify

27 Defendant Cooper will be called to testify regarding Kimberley Cole, his decision to
28 terminate Ms. Humann's employment on September 22, 2011, his public stigmatizing and
defamatory statements about Ms. Humann and her performance as Human Resources
Director, and the elimination of funding for the Human Resources Director position in
November 2011.

1 9. Susan Coskey
2 11811 Willows Road NE
3 Redmond, WA 98052-2003
4 (425) 867-4768

Will Testify

5 Ms. Coskey will be called to testify about the fact and timing of her investigation into
6 Ms. Humann's October 12, 2011 whistleblower complaint.

7 10. Courtney Craft
8 3712 East Roosevelt Ave
9 Tacoma, WA 98404

Possible Witness Only

10 Ms. Craft may be called to testify regarding the auditor's hotline complaint and
11 investigation regarding Ms. Cole and Ms. Craft's interactions with City employees.

12 11. Dave Earling
13 c/o Jayne L. Freeman
14 Keating Bucklin & McCormack
15 800 Fifth Avenue, Suite 4141
16 Seattle, WA 98104-3175
17 (206) 623-8861

Will Testify

18 Defendant Earling will be called to testify about the elimination of funding for the
19 Human Resources Director position in November 2011 and the decision to reinstate and
20 layoff Ms. Humann in December 2011.

21 12. Gary Haakenson
22 Deputy Executive
23 Snohomish County
24 3000 Rockefeller, M/S 407
25 Everett, WA 98201
26 (425) 388-3460

Will Testify

27 Mr. Haakenson will be called to testify about the City's Human Resources
28 Department, Ms. Humann's job performance and reputation. He may also be called to testify
concerning the reputation of certain members of the City Council and the former mayor.

29 13. Mary Ann Hardie
30 c/o Jayne L. Freeman
31 Keating Bucklin & McCormack
32 800 Fifth Avenue, Suite 4141
33 Seattle, WA 98104-3175

Will Testify

1 (206) 623-8861

2 Ms. Hardie will be called to testify about the City's Human Resources Department,
3 Ms. Humann's job performance, Ms. Cole's attendance, timesheets, and job performance,
4 and the decisions to terminate Ms. Humann in September 2011, eliminate funding for the
5 Human Resources Director position in November 2011, and reinstate and layoff Ms. Humann
6 in December 2011. She may also be called to testify about Ms. Cole's reputation for
7 honesty.

8 14. Carrie Hite *Will Testify*
9 c/o Jayne L. Freeman
10 Keating Bucklin & McCormack
11 800 Fifth Avenue, Suite 4141
Seattle, WA 98104-3175
(206) 623-8861

12 Ms. Hite will be called to testify concerning her performance of duties formerly
13 completed by the Human Resource Director, and the structure and function of the Humann
14 Resources Department after September 22, 2011. She will also be called to testify about Ms.
15 Humann's performance, termination, the elimination of funding for the Human Resources
16 Director position and Ms. Humann's reinstatement and layoff.

17 15. Strom Peterson *Will Testify*
18 c/o Jayne L. Freeman
19 Keating Bucklin & McCormack
20 800 Fifth Avenue, Suite 4141
Seattle, WA 98104-3175
(206) 623-8861

22 Mr. Peterson will be called to testify about Ms. Humann's job performance, Ms.
23 Cole's attendance, Ms. Humann's September 22, 2011 termination and October 12, 2011
24 whistleblower complaint, the City Council's decision to eliminate funding for the Human
25 Resources Director position, and Ms. Humann's reinstatement and layoff. He will also be
26 called to testify about City Council meetings and his communications with others regarding
27 the 2012 budget and/or Ms. Humann.

16. Kim Michael Plunkett
2 2628 – 39th Avenue West
Seattle, WA 98199

Possible Witness Only

3 Mr. Plunkett will be called to testify about the City Council's decision to eliminate
4 funding for the Human Resources Director position, and Ms. Humann's reinstatement and
5 layoff.

6 17. Jeffrey Taraday
7 Lighthouse Law Group
8 1100 Dexter Avenue N., Suite 100
Seattle, WA 98109-3598
9 (206) 273-7440

Possible Witness Only

10 Mr. Taraday may be called to testify about his interactions with Ms. Humann, the
11 timing of his communications with City officials and employees regarding Ms. Humann,
12 and/or his knowledge of employment law.

13 18. Jim Tarte, Finance Director
14 4733 – 48th Avenue NE
Seattle, WA 98005

Possible Witness Only

15 Mr. Tarte may be called to testify about Ms. Humann's job performance, Ms. Cole's
16 attendance, timesheets, and pay. He may also be called to testify about the 2012 budget
17 process and the City Council's decision to eliminate funding for the Human Resources
18 Director position.

19 19. Bob Uptagraft
20 c/o Frank Freed Subit & Thomas
21 705 Second Avenue, Suite 1200
Seattle, WA 98104-1798
22 (206) 682-6711

Will Testify

23 Mr. Uptagraft will be called to testify about the emotional distress and reputational
24 harm Ms. Humann suffered as a result of defendants' conduct.

25 20. James C. Webber
26 Jim Webber Training-Consulting-Investigations
27 218 Main Street, PMB 304
Kirkland, WA 98033
28 (206) 601-9249

Will Testify

Mr. Webber will be called to testify about his investigation into Ms. Cole's allegations of hostile work environment, his communications with City employees, officials, and attorneys, and his investigation findings and report.

21. D.J. Wilson *Possible Witness Only*
3500 - 188th Street SW, Ste 590
Lynnwood, WA 98037

Mr. Wilson may be called to testify about the decisions to terminate Ms. Humann, eliminate funding for the Humann Resources Director position, and reinstate and layoff Ms. Humann.

22. Phil Williams *Will Testify*
c/o Jayne L. Freeman
Keating Bucklin & McCormack
800 Fifth Avenue, Suite 4141
Seattle, WA 98104-3175
(206) 623-8861

Mr. Williams will be called to testify about Ms. Humann's job performance and reputation, Ms. Cole's attendance and job performance, Ms. Humann's termination, the elimination of funding for the Human Resources Director, and Ms. Humann's reinstatement and layoff. He may also be called to testify about Ms. Cole's reputation for honesty.

23. Teresa Wippel *Possible Witness Only*
23800 74th Avenue W
Edmonds, WA 98026

Ms. Wippel is a journalist who may testify about statements made to the media by City officials and employees.

24. Pat Ratliff, Editor
Edmonds Beacon
806 5th Street
Mukilteo, WA 98275 *Possible Witness Only*

Mr. Ratliff is a journalist who may testify about statements made to the media by City officials and employees.

25. Oscar Halpert *Possible Witness Only*
The Daily Herald Company

PO Box 930
Everett, WA 98206

Mr. Halpert is a journalist who may testify about statements made to the media by City officials and employees.

26. Dave Gossett
5006 239th Pl SW
Mountlake Terrace, WA 98043

Possible Witness Only

Mr. Gossett may be called to testify about Ms. Cole's employment at the Snohomish County Council, Defendant Cooper's supervision of Ms. Cole, efforts to investigate and discipline Ms. Cole for attendance, and Mr. Gossett's communications with Defendant Cooper regarding these matters. He may also be called to testify about Ms. Cole's reputation for honesty.

27. Don Gough
Mayor of Lynwood
19100 4th Avenue W.
Lynnwood, WA 98046-5008

Possible Witness Only

Mr. Gough may testify about the attendance of Kimberly Cole as an elected City Councilwoman and efforts to investigate and discipline Ms. Cole for attendance. He may also be called to testify about Ms. Cole's reputation for honesty.

28. Loren Simmonds
Lynnwood City Council President
19100 4th Avenue W.,
Lynnwood, WA 98046-5008

Possible Witness Only

Mr. Simmonds may testify about the attendance of Kimberly Cole as an elected City Councilwoman and efforts to investigate and discipline Ms. Cole for attendance. He may also be called to testify about Ms. Cole's reputation for honesty.

The following additional witnesses may be called to testify for the limited purpose of authenticating documents in the absence of a stipulation or judicial notice thereto, except where noted:

29. Scott Passey
c/o Jayne L. Freeman

Possible Witness Only

1 Keating Bucklin & McCormack
2 800 Fifth Avenue, Suite 4141
3 Seattle, WA 98104-3175
4 (206) 623-8861

5
6 Mr. Passey may be called to testify about the authenticity of certain City of Edmonds
7 public records.

8
9
10 30. Records Custodian – Seattle University School of Law *Possible Witness*
11 Sheila D. Underwood, Registrar *Only*
12 901 12th Ave.,
13 Sullivan Hall
14 PO Box 22200
15 Seattle, WA 98122-1090
16 (206) 398-4150

17 This individual may be called to testify about the authenticity of certain business
18 records.

19
20 31. Records Custodian – Snohomish County Council *Possible Witness Only*
21 Norma Middleton, HR Systems Manager
22 3000 Rockefeller Avenue
23 Everett, WA 98201
24 (425) 388-3411

25 This individual may be called to testify about the authenticity of certain public
26 records.

27
28 32. Records Custodian – Lynnwood City Council *Possible Witness Only*
29 Debbie Karber, Deputy City Clerk
30 191004 4th Avenue W.
31 Lynnwood, WA 98046-5008
32 (425) 670-5000

33 This individual may be called to testify about the authenticity of certain public
34 records.

35
36 33. Public Records Officer *Possible Witness Only*
37 Washington State Auditor's Office
38 Sunset Building -- PO Box 40031
39 Olympia, WA 98504

40 This individual may be called to testify about the authenticity of certain public
41 records.

1 34. Mia Wadleigh *Possible Witness Only*
2 Frank Freed Subit & Thomas LLP
3 705 2nd Ave, suite 1200
4 Seattle, WA 98144
5 (206) 682-6711

6 Ms. Wadleigh may be called to testify about the authenticity of trial exhibits, and
7 public records.

8 35. Sheila Romoff *Possible Witness Only*
9 Frank Freed Subit & Thomas LLP
10 705 2nd Ave, suite 1200
11 Seattle, WA 98144
12 (206) 682-6711

13 Ms. Romoff may be called to testify about the authenticity of trial exhibits, public
14 records, and/or the deposition of Kimberly Cole.

15 **B. On behalf of defendant City of Edmonds:**

16 Defendants anticipate they will or may call the following witnesses at trial; however,
17 the designation of witnesses and scope of testimony may change depending on the court's
18 ruling on the pending motions for summary judgment.

19 **Will Testify:**

20 1. Micheal Cooper, former Mayor of Edmonds
21 c/o John T. Kugler
22 Turner Kugler Law, PLLC
23 4700 - 42nd Avenue SW, Suite 540
24 Seattle, WA 98116
25 (206) 659-0679

26 Mr. Cooper will testify regarding Plaintiff's employment with Edmonds and City
27 operations while he served as Mayor, his decision to terminate her employment, observations
28 of, communications with and regarding Plaintiff, post-termination communications and
statements, structure and organization of the City of Edmonds government and operations. If
necessary, he may also testify regarding the Council's adoption of the 2012 budget as well.

2. Dave Earling, Mayor of Edmonds
c/o Jayne L. Freeman

1 Keating, Bucklin & McCormack, Inc., P.S.
2 800 Fifth Avenue, Suite 4141
3 Seattle, WA 98104
4 (206) 623-8861

5 Mayor Earling will testify regarding his decisions related to Plaintiff's employment
6 and communications with Plaintiff after he was elected in 2011, functioning of the Human
7 Resources Department and the City during his administration, and regarding the subsequent
8 organization, operations, needs, and performance of the Human Resources Department at the
9 City. Mayor Earling may also testify regarding the governmental and operational
organization and structure of the City of Edmonds, budget process, and City operations.

10 3. Jim Tarte, former Interim Finance Director
11 630 SW 149th Street, Suite B
12 Burien, WA 98106
13 (206) 248-9647

14 Mr. Tarte will testify regarding knowledge of facts related to Plaintiff's employment,
15 interactions with Plaintiff and Mayor Cooper, the State Auditor's 2011 audit, information
provided to the State Auditor, and the City's finance and payroll operations.

16 4. MaryAnn Hardie, Human Resources Manager
17 City of Edmonds
18 121 5th Avenue N.
19 Edmonds, WA 98020
20 (425) 775-2525

21 Ms. Hardie will testify regarding working in the Human Resources Department at
22 Edmonds, work with and/or communications with Plaintiff, Mayor Cooper, and others
23 regarding Plaintiff's employment, organization, operations and functioning of the Human
24 Resources Department and work completed prior to and subsequent to Ms. Humann's
25 termination.

26 5. Carrie Hite Parks, Recreation, Cultural Services Director and HR Reporting
27 Director
28 c/o Jayne L. Freeman
Keating, Bucklin & McCormack, Inc., P.S.
800 Fifth Avenue, Suite 4141

1 Seattle, WA 98104
2 (206) 623-8861

3
4 Ms. Hardie will testify regarding work and/or communications with Plaintiff, Mayor
5 Cooper and others regarding Plaintiff's employment, organization, budgeting, operations and
6 functioning of the Human Resources Department and the City, including work completed
7 prior to and subsequent to Ms. Humann's termination. She also may testify regarding
8 information provided to the State Auditor and may have worked with and/or communicated
9 with Plaintiff.

10 6. Sandy Chase, Former City Clerk
11 c/o Jayne L. Freeman
12 Keating, Bucklin & McCormack, Inc., P.S.
13 800 Fifth Avenue, Suite 4141
14 Seattle, WA 98104
15 (206) 623-8861

16 Ms. Chase will testify regarding working and/or communicating with Plaintiff, Mayor
17 Cooper, and others at the City of Edmonds, as well as her role and procedures involved in
18 responding to Public Records Requests, and City operations.

19 7. Sharon Cates, Lighthouse Law Group, Asst. City Attorney
20 c/o Jayne L. Freeman
21 Keating, Bucklin & McCormack, Inc., P.S.
22 800 Fifth Avenue, Suite 4141
23 Seattle, WA 98104
24 (206) 623-8861

25 Ms. Cates will testify regarding communications with Plaintiff and/or observed
26 conduct by Plaintiff. By identifying Ms. Cates as an individual with knowledge of facts, the
27 City does not intend to waive any attorney-client, work product, executive session, or other
28 privileges that may apply.

29 8. Jeff Taraday, Lighthouse Law Group, City Attorney
30 c/o Jayne L. Freeman
31 Keating, Bucklin & McCormack, Inc., P.S.
32 800 Fifth Avenue, Suite 4141
33 Seattle, WA 98104
34 (206) 623-8861

1 Mr. Taraday will testify regarding communications with Plaintiff and/or observed
2 conduct by Plaintiff. Depending on the issues at trial, Mr. Taraday may be called to testify
3 regarding non-privileged communications with Mayors and Councilmembers of the City of
4 Edmonds. By identifying Mr. Taraday as an individual with knowledge of facts, the City
5 does not intent to waive any attorney-client work product, executive session, or other
6 privileges that may apply.

7 9. K. Michael Plunkett
8 Former Edmonds Councilmember
9 c/o counsel Michael Bolasina
10 Summit Law Group, PLLC
11 315 5th Avenue S., Suite 1000
12 Seattle, WA 98104
13 (206) 676-7000

14 Mr. Plunkett will testify regarding interactions and communications with and
15 observations of Plaintiff in her role as Human Resources Director for the City of Edmonds,
16 City governmental and operational structure, operations, budget, Council and committee
17 meetings. If necessary, Mr. Plunkett will also testify regarding the City Council's adoption
18 of the 2012 budget and related proceedings.

19 **May Testify:**

20 10. Kimberly Cole, former employee

21 Address:

22 Ms. Cole may testify via video deposition regarding her interactions with and
23 Plaintiff and Mayor Cooper, complaints about Ms. Humann, and facts related to her own
24 employment with Edmonds.

25 11. Diane Buckshnis, Councilmember
26 c/o Jayne L. Freeman
27 Keating, Bucklin & McCormack, Inc., P.S.
28 800 Fifth Avenue, Suite 4141
 Seattle, WA 98104
 (206) 623-8861

1 Ms. Buckshnis may testify regarding plaintiff's conduct and/or engaging in
2 communications with or regarding Plaintiff and/or the Human Resources and/or finance staff,
3 issues, or committees, City of Edmonds governmental and organizational structure, City
4 operations, business, and finances. By identifying this individual as potentially having
5 knowledge of information, the City does not intend to waive any privileges that may apply to
6 such knowledge, including but not limited to attorney-client or work product privileges or
7 Executive Session privileges. If necessary depending on the issues remaining at trial, this
8 witness may also testify regarding the City budget, Council meetings, and adoption of the
9 2012 budget.

10
11 12. Steve Bernheim, Former Councilmember
12 c/o Jayne L. Freeman
13 Keating, Bucklin & McCormack, Inc., P.S.
13 800 Fifth Avenue, Suite 4141
14 Seattle, WA 98104
14 (206) 623-8861

15 Mr. Bernheim may testify regarding plaintiff's conduct and/or communications with
16 or regarding Plaintiff and/or the Human Resources and/or finance staff, issues, or
17 committees, City of Edmonds governmental and organizational structure, City operations,
18 business, and finances. By identifying this individual as potentially having knowledge of
19 information, the City does not intend to waive any privileges that may apply to such
20 knowledge, including but not limited to attorney-client or work product privileges, or
21 Executive Session privileges. If necessary depending on the issues remaining at trial, this
22 witness may also testify regarding the City budget, Council meetings, and adoption of the
23 2012 budget.

24
25 13. Adrienne Fraley-Monillas, Councilmember
25 c/o Jayne L. Freeman
26 Keating, Bucklin & McCormack, Inc., P.S.
26 800 Fifth Avenue, Suite 4141
27 Seattle, WA 98104
27 (206) 623-8861

1 This individual may have witnessed plaintiff's conduct and/or engaged in
2 communications with or regarding Plaintiff, and/or the Human Resources and/or finance
3 staff, issues, or committees, City of Edmonds governmental and organizational structure,
4 City operations, business, and finances, including labor negotiations. By identifying this
5 individual as potentially having knowledge of information, the City does not intend to waive
6 any privileges that may apply to such knowledge, including but not limited to attorney-client
7 or work product privileges or Executive Session privileges. If necessary depending on the
8 issues remaining at trial, this witness may also testify regarding the City budget, Council
9 meetings, and adoption of the 2012 budget.

10 14. Strom Peterson, Councilmember
11 c/o Jayne L. Freeman
12 Keating, Bucklin & McCormack, Inc., P.S.
13 800 Fifth Avenue, Suite 4141
14 Seattle, WA 98104
15 (206) 623-8861

16 This individual may have witnessed plaintiff's conduct and/or engaged in
17 communications with or regarding Plaintiff and/or the Human Resources and/or finance staff,
18 issues, or committees, City of Edmonds governmental and organizational structure, City
19 operations, business, and finances. By identifying this individual as potentially having
20 knowledge of information, the City does not intend to waive any privileges that may apply to
21 such knowledge, including but not limited to attorney-client or work product privileges or
22 Executive Session privileges. If necessary depending on the issues remaining at trial, this
23 witness may also testify regarding the City budget, Council meetings, and adoption of the
24 2012 budget.

25 15. Lora Petso, Councilmember
26 c/o Jayne L. Freeman
27 Keating, Bucklin & McCormack, Inc., P.S.
28 800 Fifth Avenue, Suite 4141
29 Seattle, WA 98104
30 (206) 623-8861

This individual may have witnessed plaintiff's conduct and/or engaged in communications with or regarding Plaintiff and/or the Human Resources and/or finance staff, issues, or committees, City of Edmonds governmental and organizational structure, City operations, business, and finances. By identifying this individual as potentially having knowledge of information, the City does not intend to waive any privileges that may apply to such knowledge, including but not limited to attorney-client or work product privileges or Executive Session privileges. If necessary depending on the issues remaining at trial, this witness may also testify regarding the City budget, Council meetings, and adoption of the 2012 budget.

16. Courtney Craft, State Auditor's Office
Washington State Auditor's Office
3501 Colby Ave, Suite 100B
Everett, WA 98201
(425)257-2149

Ms. Craft may testify regarding knowledge of the State Auditor's Office communications with Edmonds employees and audit activities.

17. Shawn Hunstock, Finance Director
c/o Jayne L. Freeman
Keating, Bucklin & McCormack, Inc., P.S.
800 Fifth Avenue, Suite 4141
Seattle, WA 98104
(206) 623-8861

Mr. Hunstock may be called to testify regarding City of Edmonds organizational structure, operations, Finance Department, budget, and activities involving the State Auditor's Office.

A. On behalf of defendant Cooper:

1. Defendant Cooper may call the witnesses identified in Defendant City of Edmonds and David Earling's Pretrial Statement, which is incorporated herein by reference.

2. In addition, this defendant may call:

DJ Wilson
c/o Jayne L. Freeman

Possible Witness Only

1 Keating, Bucklin & McCormack, Inc., P.S.
 2 800 Fifth Ave., Ste. 4141
 3 Seattle, WA 98104
 4 (206) 623-8861

5 Mr. Wilson may testify regarding working and communicating with Plaintiff, his
 6 observations of Plaintiff's conduct and behavior toward Council Members, and his
 7 knowledge as set forth in his deposition taken in this matter.

8 **XII. EXHIBITS**

9 **B. Plaintiff Debi Humann's Exhibits (#1 – 167)**

Exhibit No.	Date	Bates No.	Document	Admiss. Stip.	Auth. Stip. / Admiss. disputed	Auth./ Admiss. disputed	Admitted
1.	(2010-2011)	ED 1041-43	Human Resources Analyst Job Description	x			
2.	(2011-2011)	ED 1044-1046	Human Resources Director Job Description	x			
3.	1/1/06 & 1/1/10	DHRPR-00710; DHRPR-00669	Debi Humann Human Resources Certifications 1/1/2006 & 1/1/2010	x			
4.	2014	Cordon Ex. 11	HR Certification Institute Materials			x	
5.			Summary of Humann Performance Evaluations (FRE 1006)			x	
6.	1999-2010	See Exhibit 6 PDF	Humann Performance Evaluations		x		
7.			Summary of Humann Human Resources Training & Education (FRE 1006)			x	

1	8.		See Exhibit 8 PDF	Humann Training & Education Records		x		
2	9.		DHRPR- 00782;ED 2066	Salary History of Debi Humann	x			
3	10.	1/1/07	DLH-00735	City of Edmonds Humanitarian Award		x		
4	11.	1/11/08	ED 3911	Memorandum re: HR Staffing		x		
5	12.	3/10/08	DLH-00748- 00751	Humann Performance Appraisal		x		
6	13.	7/9/08	ED 001511	Promotion Announcement		x		
7	14.	6/15/09	DLH-00747	Humann Performance Appraisal		x		
8	15.	3/24/10	DLH-00743- 00746	Humann Performance Appraisal		x		
9	16.		DLH-00710- 13	Humann Letters of Recommendatio n		x		
10	17.	4/12/10	DLH-03497- 03498; 03556	File notations by Dave Gossett			x	
11	18.	2010- 2011	ED 1047-1049	Executive Assistant Job Description		x		
12	19.	7/3/10	ED 00284-286	Executive Assistant to the Mayor Employment Announcement	x			
13	20.	7/25/10	ED 03895- 03896	Application for Employment by Kimberly Cole		x		
14	21.	8/2/10	ED 03891	Receipt of Personnel Policies (Cole)		x		
15	22.	8/2/10	ED 03889	Personnel Status Report (new hire Kimberly Cole)	x			